IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 16541 of 2004

Between:

G.V.Lakshmamma, W/o.Subbareddy,
Sanikavaram village, Peddaraveedu Mandal,
Prakasam Dist.

..... PETITIONER

AND

1 Joint Collector, Prakasham Dist. (Civil supplies) Ongole.
2 Revenue Divisional officer, Markapur, Prakasam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order more particularly one in the nature of writ of mandamus or an appropriate writ or order declaring the proceeding in RCH/1430/2004, dt.30-07-2004 issued by the 2nd respondent and the consequential order in proceedings in Rc.CS2/3397/2004, dt.02-09-2004 by dismissing the stay petition filed by the petitioner pending inquiry before the 2nd respondent, as illegal, arbitrary and unconstitutional.

Counsel for the Petitioner: MR.KOTI REDDY IDAMAKANTI

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following:

HONOURABLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.16541 OF 2004

ORDER:

The petitioner is the Fair Price Shop Dealer of Sanikavaram Village, Peddaraveedu Mandal, Prakasam District. Her authorization was suspended by the Revenue Divisional Officer by an order dated 30-07-2004 pending enquiry into the alleged irregularities in distribution of the commodities. Against the said order the petitioner preferred an appeal before the Joint Collector, Prakasam District i.e., the first respondent herein. The first respondent, by order dated 02-09-2004, while refusing to grant the stay sought by the petitioner, directed the Revenue Divisional Officer to dispose of the case within one month after giving opportunity of being heard of the petitioner. The Joint Collector also suspended the appointment of the temporary dealer and directed the Revenue Divisional Officer not to appoint any temporary dealer and attach the shop to the adjacent dealer. Aggrieved by the said order, this writ petition is filed.

2 . I have heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

3. Though I find force in the submission of the learned Counsel for the petitioner that the order of the 1st respondent which was passed without notice to the petitioner and without assigning any reasons in support of his conclusions is arbitrary and illegal, I am of the view that no purpose will be served by remitting the matter back for consideration afresh. Instead, it would be appropriate to direct the 2nd respondent to complete the enquiry expeditiously.

4 . Accordingly the Writ Petition is disposed of with a direction to the Revenue Divisional Officer to complete the enquiry initiated against the petitioner in terms of the order of the Joint Collector dated 02-09-2004 and to pass appropriate orders in accordance with law within two weeks from the date of receipt of this order. No costs.

G.ROHINI, J

15th September, 2004

SKM

Note:

Furnish C.C.

by tomorrow.

B/o.

skm

To

1 The Joint Collector, Prakasham Dist. (Civil supplies) Ongole.
2 The Revenue Divisional officer, Markapur, Prakasam Dist.

3 Two C.Cs. to G.P. for Civil Supplies,

High Court Buildings,

High Court of A.P., Hyderabad, (OUT)

4 Two C.D.copies.